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Attorneys for Plaintiff

RECEIVED

SEP 18 2018

NORTHRIM BANK

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT ANCHORAGE

RICHARD MATTICE

Plaintiff,

vs.

NORTHRIM BANK

Defendant.

JURY DEMANDED

Case No. 3AN-18- 8761 CI

COMPLAINT FOR DAMAGES

COME NOW the plaintiff, Richard Mattice, through counsel, alleging and requesting relief as follows:

INTRODUCTION

1. Richard Mattice was an accomplished employee at Northrim Bank. Mr. Mattice began working for Northrim Bank in 2002. In 2016, Northrim Bank informed Mr. Mattice that his job would be outsourced and his last day of work would be August 1, 2017. Mr. Mattice applied for other positions at Northrim Bank for which he was

qualified. But he was never offered any of the available positions. Other employees who were also being outsourced, were offered positions. But Mr. Mattice was not. Mr. Mattice was qualified for all of these other positions. But, Mr. Mattice is Native Alaskan and "older." The reason that Northrim Bank decided to not offer Mr. Mattice any of the available positions was because of his age and his race. This is unlawful.

JURISDICTION AND VENUE

2. This Court has jurisdiction in this action under AS § 22.10.020(c) and (g).

3. Venue is proper in Sitka under AS § 22.10.030 and Civil Rule 3(c).

PARTIES

4. Plaintiff is a resident of the City of Anchorage and a Native Alaskan.

5. Defendant is a business operating within the City of Anchorage.

FIRST CAUSE OF ACTION – VIOLATION OF ALASKA’S HUMAN RIGHTS ACT

6. The foregoing paragraphs of this Complaint are incorporated herein as though fully set forth.

7. Defendant treated Mr. Mattice differently because of his race and his age. But for his race and his age, Northrim Bank would have offered plaintiff a new position. This conduct was intentional and wanton.

8. This conduct violates the Alaska Human Rights Act.

9. Richard Mattice is entitled to actual, punitive and consequential damages.

SECOND CAUSE OF ACTION – VIOLATION OF TITLE VII OF THE FEDERAL CIVIL RIGHTS ACT

10. The foregoing paragraphs of this Complaint are incorporated herein as though fully set forth.

11. Defendant treated Mr. Mattice differently because of his race and his age. But for his race and his age, Northrim Bank would have offered plaintiff a new position. This conduct was intentional and wanton.

12. This conduct violates Title VII of the Federal Civil Rights Act.

13. Richard Mattice is entitled to actual, punitive and consequential damages.

THIRD CAUSE OF ACTION – BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

14. The foregoing paragraphs of this Complaint are incorporated herein as though fully set forth.

15. In acting in the aforesaid fashion, Defendant violated the covenant of good faith and fair dealing which it owed to Mr. Mattice.

16. Mr. Mattice is entitled to damages and declaratory and injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully request that the Court:

- (1) Actual, compensatory and punitive damages against the defendant;
- (2) The costs and expenses of litigation, including full attorney fees;
- (3) All other relief as the Court deems necessary.

Northern Justice Project, LLC

A Private Civil Rights Firm

310 K Street, Suite 200

Anchorage, AK 99501

Phone: (907) 264-6634 • Fax: (866) 813-8645

A jury trial is requested.

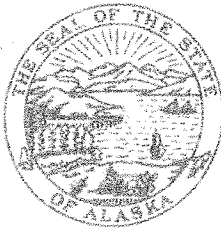
DATED this 21 day of August, 2018

NORTHERN JUSTICE PROJECT, LLC
Attorneys for Plaintiff

By: 

James J. Davis, Jr., AK Bar No. 9412140

Goriune Dudukgian, AK Bar No. 0506051



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Office of the Governor
COMMISSION FOR HUMAN RIGHTS

800 A Street, Suite 204
Anchorage, Alaska 99501-3669
Main: 907.274.4692 / 907.276.7474
TTY/IDD: 907.276.3177
Fax: 907.278-8588

Richard Mattice
4101 De Armoun Rd.
Anchorage, AK 99516

Greg S. Fisher
Davis Wright Tremaine LLP
188 W. Northern Lights Blvd. #1100
Anchorage, AK 99503

RE: *Richard Mattice v. Northrim Bank*
ASCHR No. J-17-166
EEOC No. 38A1700172

DETERMINATION

Under the authority of AS 18.80.110-.112, the Alaska State Commission for Human Rights has impartially investigated this complaint and now issues the following determination.

This complaint was timely filed in accordance with 6 AAC 30.230. Respondent is subject to the Commission's jurisdiction, and all other jurisdictional requirements have been met.

Complainant alleges respondent discriminated against him on the basis of his age, 50, race, Alaska Native, and sex, male, when his employment was not retained. Complainant alleges he applied for multiple internal job postings after he was notified from respondent his position would be outsourced. Complainant alleges he was not selected for any positions he applied for, while other employees not of his race, age, and sex remained employed by respondent.

Respondent denies complainant's allegations. Respondent asserts it gave complainant, along with three other employees, a notification their job position would be outsourced by a certain date. Respondent asserts complainant's employment ended after he did not attain an internal job position before his position was outsourced. Respondent denies complainant's employment was not retained due to his race, age, and sex.

Investigation showed complainant began working for respondent in December 2002, and

worked most recently as a Core Applications Specialist. Investigation showed on December 8, 2016, complainant was informed by respondent that his position will be outsourced and his final day of employment would be August 1, 2017. Investigation showed on December 8, 2016, the other Core Application Specialist in respondent's Information Technology Department was given an identical notification. Evidence showed during the same week, two employees in respondent's Item Processing Department were also given notices of their position being outscored. Evidence showed the three other employees who were given notice of their positions being outsourced were not of complainant's age, race, and sex.

Investigation showed complainant submitted two complete applications to respondent for internal job postings in March 2017 and May 2017. Evidence showed complainant was informed by respondent he was not selected for the positions due to a more qualified applicant being selected.

Evidence showed complainant's employment ended on August 1, 2017, as outlined in the notice he was given in December 2016. Evidence showed respondent's two employees in its Item Processing Department maintained employment with respondent after they were recruited to work on a project that utilized the specific imaging skills they maintained. Evidence showed respondent's other core application specialist maintained employment after she attained an alternate position with respondent.

Evidence did not show respondent discriminated against complainant based on his race, sex, and age. Therefore, having concluded the investigation, I find that complainant's allegations are not supported by substantial evidence.

3-22-18
Date

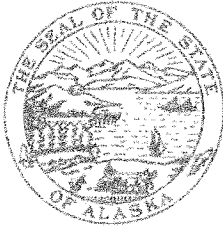
Mark Loper
Mark Loper
Investigator

On behalf of the executive director, I approve this determination. The Commission staff will take no further action, and the case is now dismissed.

3/22/2018
Date

Matthew J. Jendrusina
Matthew J. Jendrusina
Investigations Director

Enclosure: Closing Order



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Office of the Governor
COMMISSION FOR HUMAN RIGHTS

800 A Street, Suite 204
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Richard Mattice
4101 De Armoun Rd.
Anchorage, AK 99516

Greg S. Fisher
Davis Wright Tremaine LLP
188 W. Northern Lights Blvd. #1100
Anchorage, AK 99503

RE: *Richard Mattice v. Northrim Bank*
ASCHR No. J-17-166

CLOSING ORDER

Pursuant to AS 18.80.010 et seq., this case is hereby closed for the following reason:

Investigation did not find substantial evidence to support the allegations
in the complaint.

3/22/2018

Date

Marti Buscaglia
Executive Director

By:

[Signature]
Matthew J. Jendrusina
Investigations Director

Notice of Right to Judicial Review

AS 44.62.560 - 44.62.570 provides for review of this order by the superior court. A notice of appeal must be filed with the superior court within 30 days of the date this order is mailed.

Exhibit A, Page 7 of 11

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Richard MATTICE**
4101 De Armoun Rd
Anchorage, AK 99516

From: **Seattle Field Office**
909 First Avenue
Suite 400
Seattle, WA 98104-1061

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

38A-2017-00172

Kristine A. Jensen,
State & Local Coordinator

(415) 522-3232

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



5-17-18

Enclosures(s)

Nancy A. Sienko,
Director

(Date Mailed)

Northrim Bank c/o Gregory S. Fisher
DAVIS WRIGHT TREMAINE LLP
188 W NORTHERN LIGHTS BLVD
STE 1100
Anchorage, AK 99503

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Exhibit A, Page 9 of 11

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

RICHARD MATTICE

Plaintiff(s),

vs.

NORTHRIM BANK

Defendant(s).

CASE NO. 3AN-18- 8761 CI

**SUMMONS
AND
NOTICE TO BOTH PARTIES
OF JUDICIAL ASSIGNMENT**

To Defendant: NORTHRIM BANK

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at (address): 825 WEST 4TH STREET, ANCHORAGE, AK 99501 within 20 days* after the day you receive this summons.

In addition, a copy of your answer must be sent to:

Plaintiff's attorney or plaintiff (if unrepresented): James J. Davis, Jr.
Address: Northern Justice Project, LLC, 310 K Street, Suite 200, Anchorage, AK 99501

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at www.state.ak.us/courts/forms.htm, to inform the court.

-OR-

If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

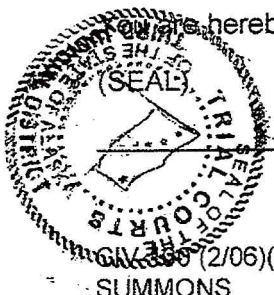
To: Plaintiff and Defendant

You are hereby given notice that this case has been assigned to Judge Washington

CLERK OF COURT

By:

Deputy Clerk



8-21-18
Date

Civil Rules 4, 5, 12, 42(c), 55

Exhibit A, Page 10 of 11

* The state or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.